

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EDWARD PITRE,

**PLAINTIFF'S  
AFFIDAVIT**

Plaintiff,

-against-

Civ No: 18-CV-5950 (DC)

THE CITY OF NEW YORK,  
JAN BORODO, individually, and  
JOSEPH M. MASTROPIETRO, individually,

Defendants.

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I, Edward Pitre, being duly sworn, depose and say that:

1. I am over eighteen years old, and, unless the context indicates otherwise, I have personal knowledge of the following facts. I make this declaration of my own free will.
2. I am the Plaintiff in the above captioned matter.
3. In its 1/28/24 Memorandum & Order ("the Order") on p. 7, the Court cites one example claiming that my testimony was "flat-out false."
4. With regards to that particular testimony that I gave under oath in court, based on the line of questioning, I believed I was being asked about regularly recurring sources of income, such as Social Security, disability, Workers Compensation, pension and other such recurring income related to my injury.
5. I did not consider the money from my previous settlement to be "income," in part, because the settlement proceeds from my personal injury were not taxable as "income", but instead they compensated me for my pain and suffering when I slipped and fell after stepping off a FDNY vehicle.
6. If I had been asked if I had received a settlement in that lawsuit, I would have most certainly answered "yes".

7. I know for a fact that the City already knew about that settlement, because they took a significant portion of it.
8. If I had been asked to elaborate, I would have described how the City of New York was paid out a sizeable portion of the settlement because the City of New York's Law Department was the claims administrator for the workers compensation claim that was reimbursed out of that settlement.
9. I also was asked about other lawsuits in my deposition in this case by Mr. Green and I testified that the City was a 3<sup>rd</sup> party in that personal injury case, and told the attorney, Mr. Green in that deposition, that the City should have all the records of that case because they were in it as a 3<sup>rd</sup> party.
10. I never attempted to hide that case, which would have made no sense, because the City was a party to that case and they obviously knew about it, and the City was reimbursed a significant sum out of that settlement because the City of New York's Law Department was the worker's compensation claims administrator, who took part of that settlement.
11. I am not suing the City in this case for damages related to pain and suffering from my slip and fall injury or lost wages from the time I was out of work due to that injury.
12. I am suing the City in this case for damages because they destroyed my career by intentionally refusing to grant me reasonable accommodation, so I could not come back to work after my injury.

I declare under penalty of perjury under the laws of the United States and the State of New York that the foregoing is true and correct.

Dated: March 1, 2024

Sacramento, CA



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Affiant: Edward Pitre

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Title	Please sign
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## Document History



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